

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2021-0080

BOA DATE: August 9th, 2021

ADDRESS: 74 San Saba St –Unit 2

COUNCIL DISTRICT: 3

OWNER: Darius Fisher

AGENT: Micah King

ZONING: SF-3-NP (Holly)

LEGAL DESCRIPTION: LOT 3 BLK 7 & 8FT ADJ ALLEY OLT 41-42&53 DIV O RILEYS SUBD

VARIANCE REQUEST:

- a) decrease rear yard setback from 10 ft. to 2.1 ft.
- b) decrease interior yard setback from 5 ft. to 3.9 ft.
- c) increase impervious cover from 45% to 47.8%

SUMMARY: maintain 2nd FL wood deck

ISSUES: size and configuration of lot

| | ZONING | LAND USES |
|--------------|---------------|------------------|
| <i>Site</i> | SF-3-NP | Single-Family |
| <i>North</i> | SF-3-NP | Single-Family |
| <i>South</i> | SF-3-NP | Single-Family |
| <i>East</i> | SF-3-NP | Single-Family |
| <i>West</i> | SF-3-NP | Single-Family |

NEIGHBORHOOD ORGANIZATIONS:

- Austin Independent School District
- Austin Lost and Found Pets
- Austin Neighborhoods Council
- Del Valle Community Coalition
- East Austin Conservancy
- East Town Lake Citizens Neighborhood Association
- El Concilio Mexican-American Neighborhoods
- Friends of Austin Neighborhoods
- Greater East Austin Neighborhood Association
- Guadalupe Neighborhood Development Corporation
- Homeless Neighborhood Association
- Neighborhood Empowerment Foundation
- Neighbors United for Progress
- Preservation Austin
- SELTexas
- Sierra Club, Austin Regional Group
- Tejano Town

D-3/2

MILDRED

CESAR CHAVEZ

PEDERNALES

2ND

3RD

CLARA

CANTERBURY

WILLOW

SAN SABA

LLANO

JULIUS

PLEASANT VALLEY



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2021-0080

LOCATION: 74 SAN SABA STREET



1" = 292'

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This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

HUSCH BLACKWELL

Micah J. King
Senior Associate

111 Congress Avenue, Suite 1400
Austin, Texas 78701
Direct: 512.370.3468

June 29, 2021

The Board of Adjustment
c/o Elaine Ramirez
Planner Senior and Board of Adjustment Liaison
City of Austin Development Services Department

Re: Request for Variance to Preserve Existing Deck at 74 San Saba Street (the "Property")

On behalf of the owner of the above-referenced Property, please accept the enclosed request for a variance to preserve an existing wooden deck at the Property. The deck serves the old rear residence on the property and provides secondary egress for the unit, whose habitable space is entirely on the top floor of the structure, and there is no internal stairwell for any other secondary point of egress. The deck also provides important outdoor space for the tenant of the rear unit which is important given ongoing concerns about health limitations on travel.

The deck was constructed in good faith based on the contractor's assurances to the owner. The rear and side property lines are also not clear as the fence is off and the house was originally constructed close to the rear and south side of the Property, and the rear 8' of the Property is part of a vacated alleyway. While the property lines changed when the alleyway was vacated, the deck is located more than 10' from the platted, original property line of the property to the rear.

Approval would result in a net decrease to the amount of impervious cover in the Waterfront Overlay, in which the Property is located, which would advance the Overlay's goal of enhancing environmentally sensitive areas of the Colorado River Corridor as called for in § 25-2-710(B).

Even prior to the construction of the deck, the Property exceeded the maximum impervious cover of 40%, which is imposed on properties in the Festival Beach subdistrict of the Waterfront Overlay outside of the primary and secondary setbacks. The amount of impervious cover on the Property was 44.14% and is now 47.8%. We are seeking a variance to have 41.38%. We can comply with this limit by demolishing 345 sq. ft. of pre-existing concrete impervious cover, which would result in a net decrease to the amount of impervious cover by 2.76% as compared to pre-deck conditions. We would also comply with the 45% impervious cover limit set by SF-3 zoning via the demolition.

Thank you for your time and for the Board's consideration.

Sincerely,



Micah King



Board of Adjustment General/Parking Variance Application

DevelopmentATX.com | Phone: 311 (or 512-974-2000 outside Austin)
For submittal and fee information, see austintexas.gov/digitaldevelopment

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. **If more space is required, please complete Section 6 as needed.** All information is required (if applicable).

For Office Use Only

| | | |
|--------------|-------------|-------------|
| Case # _____ | ROW # _____ | Tax # _____ |
|--------------|-------------|-------------|

Section 1: Applicant Statement

Street Address: 74 San Saba Street, Austin, Texas 78702

Subdivision Legal Description:

LOT 3 BLK 7 & 8FT ADJ ALLEY OLT 53 DIV O RILEYS SUBD, ACCORDING TO THE PLAT RECORDED AT VOL. 3 P. 140 OF THE PLAT RECORDS OF TRAVIS COUNTY.

Lot(s): 3 Block(s): 7

Outlot: 53 Division: O

Zoning District: SF-3-NP

I/We Micah King, Husch Blackwell LLP on behalf of myself/ourselves as authorized agent for Darius Fisher affirm that on Month July, Day 7, Year 2021, hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):

Erect Attach Complete Remodel Maintain Other: _____

Type of Structure: Existing porch attached to rear of circa 1930 home.

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

LDC § 25-2-492 (Site Development Regulations) for residential property zoned SF-3-NP to reduce the min. rear setback requirement from 10 feet (required) to 2.1 feet (requested); reduce the min. side setback from 5 feet (required) to 3.9 feet (requested); and from LDC § 25-2-735 (D)(1) to increase max. impervious cover from 40% to 41.38% (for a net reduction of cover).

Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

The zoning regulations do not allow for a reasonable use of the property because they would preclude being able to preserve an existing deck for the upstairs rear residential unit, which increases the fire safety for residents by providing a secondary point of egress in case of emergency and which increases the quality of life for residents. The deck is set back approximately 10 feet from the originally platted lot line of the property to the rear, and the side of the deck is in line with the side of the existing structure from circa 1930 which it serves.

Hardship

a) The hardship for which the variance is requested is unique to the property in that:

The hardship is unique to the property because options for where to place the deck are constrained by the locations of the old existing residential structures, the size and configuration of the property, and by the need to provide a gap between the existing houses, and the property line was unclear due to the vacated rear alleyway and misplaced fence at the rear of the property and the location of the existing rear structure.

b) The hardship is not general to the area in which the property is located because:

The hardship is not general to the area since for most other properties in the area a rear deck with outdoor living space could be provided without encroaching onto the rear setback, the existing rear unit is in close proximity to the rear property line but has existed there for approximately 90 years, and there is a vacated former alleyway at the rear of the property.

Area Character

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The variance would not alter the character of the area since it is common for structures to violate rear and side setback requirements in this area and the deck's design is consistent with the area's character. In addition, to comply with Code, the approval of the variance and preservation of the deck will require the demolition of concrete impervious cover, which would result in a net reduction to the amount of impervious cover and advance the Waterfront Overlay's goal of enhancing the environmentally sensitive Colorado River Corridor.

Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

- 1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

N/A

- 2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

N/A

- 3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

N/A

- 4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.



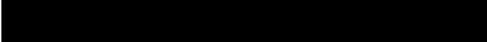
Applicant Signature: _____ Date: 07/07/2021

Applicant Name (typed or printed): Micah King

Applicant Mailing Address: Husch Blackwell LLP, 111 Congress Avenue, Suite 1400

City: Austin State: Texas Zip: 78701

Phone (will be public information): (512) 370-3468

Email (optional – will be public information): 

Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.



Owner Signature: _____ Date: July 9, 2021
07/07/2021

Owner Name (typed or printed): Darius Fisher

Owner Mailing Address: 74 San Saba Street

City: Austin State: Texas Zip: 78702

Phone (will be public information): (914) 413-1400

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: Micah King

Agent Mailing Address: Husch Blackwell LLP, 111 Congress Avenue, Suite 1400

City: Austin State: Texas Zip: 78701

Phone (will be public information): (512) 370-3468

Email (optional – will be public information): 

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

Photo of Encroachment Along the South Property Line Showing the Deck is Aligned with the Side of the Old House



Photo Showing Example of the Area's Similarly-Encroaching Structures on Adjacent Property





Property Profile

Lot Lines and Other Nearby Encroachments

Legend

 Lot Line



1: 600



0.0 0 0.01 0.0 Miles

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed:

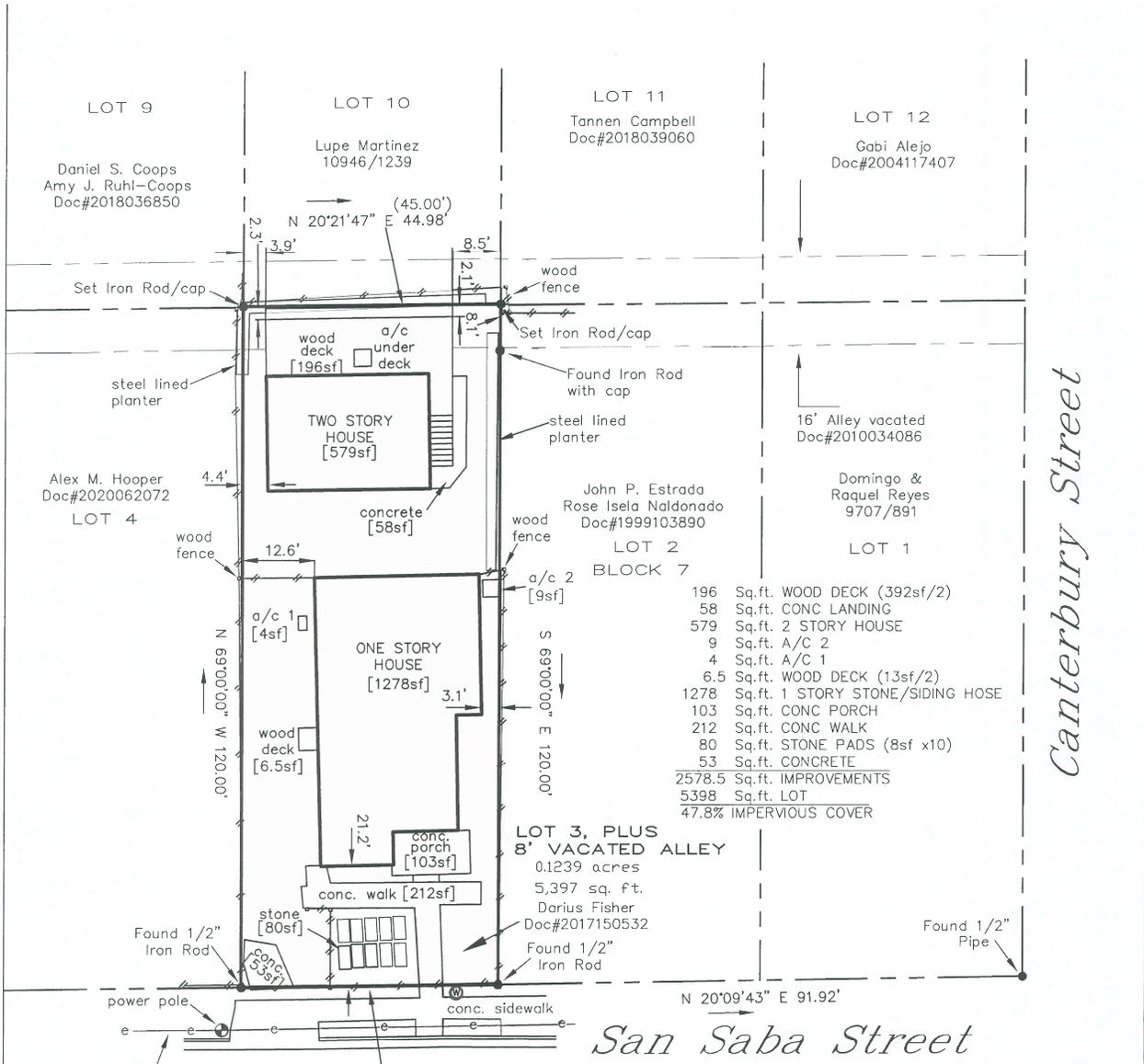
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Notes

OWNER:
DARIUS FISHER
ADDRESS:
74 SAN SABA STREET

Waterloo Surveyors Inc.
SURVEY PLAT
Impervious Cover Survey

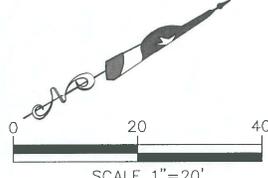
As-Is Survey



Canterbury Street

San Saba Street

NOTE:
THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND OTHER EASEMENTS, RESTRICTIONS AND CONDITIONS MAY APPLY



LEGAL DESCRIPTION:
LOT 3, BLOCK 7, RILEY'S SUBDIVISION OF BLOCK NO. 7 OF OUTLOT 53, DIVISION 0, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 3, PAGE 140, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; TOGETHER WITH 8 FEET OF THE VACATED 16 FOOT ALLEY, AS RECORDED IN DOCUMENT NO. 2010034086, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

State of Texas:
County of Travis:

The undersigned does hereby certify that this survey was this day made on the property legally described hereon and is correct, and this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1B Condition II Survey.

And I certify that the property shown hereon IS NOT within a special flood hazard area as identified by the Federal Insurance Adm. Department of HUD flood hazard boundary map revised as per Map Number: 48453C0465K

Zone: X Dated: 01/22/2020

Dated this the 10TH day of NOVEMBER 2020.

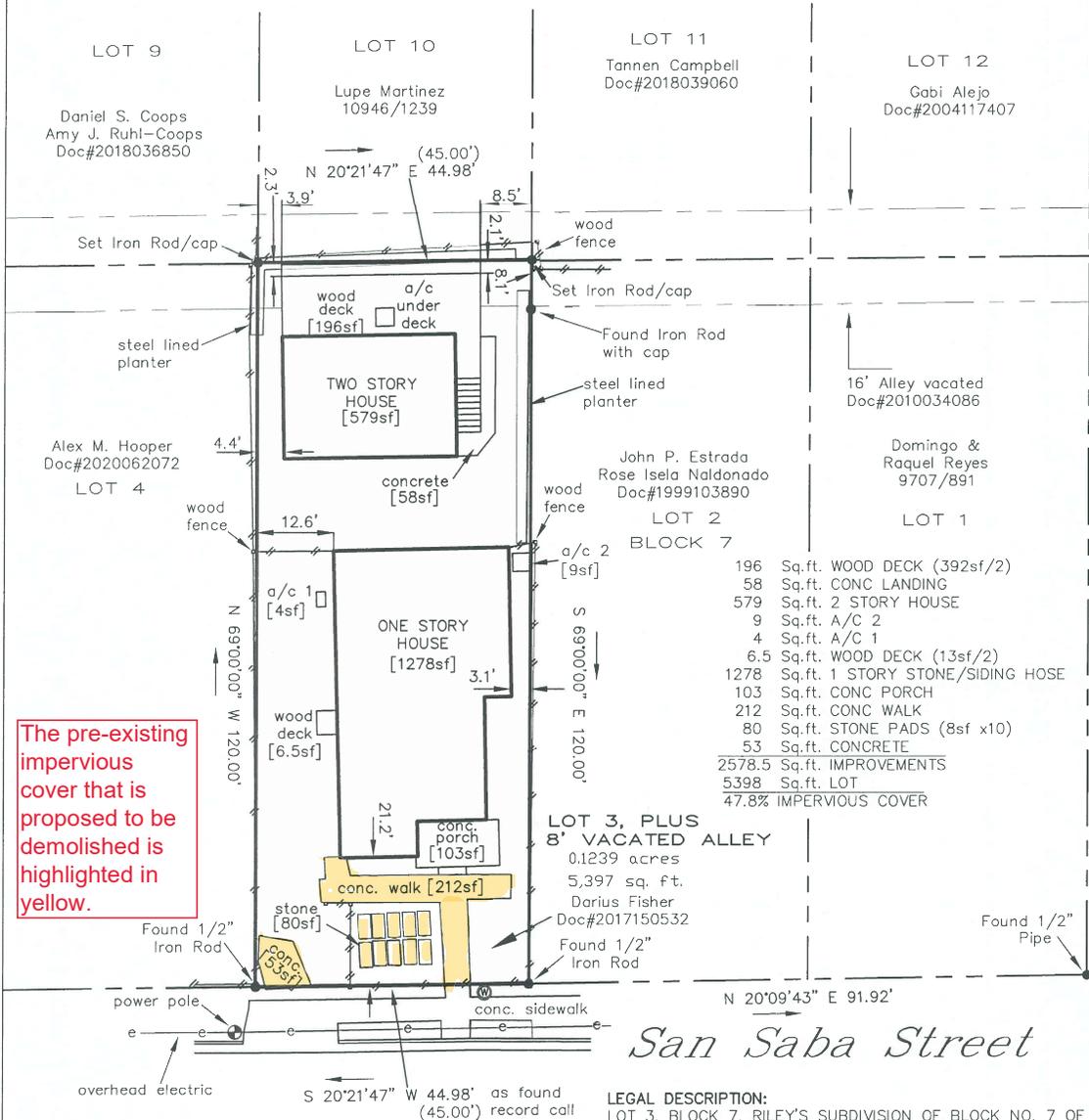
Impervious cover added this the 30th day of JUNE, 2021

Thomas P. Dixon R.P.L.S. 4324



OWNER:
DARIUS FISHER
ADDRESS:
74 SAN SABA STREET

Waterloo Surveyors Inc.
SURVEY PLAT
Impervious Cover Survey



The pre-existing impervious cover that is proposed to be demolished is highlighted in yellow.

| | |
|--------|----------------------------------|
| 196 | Sq.ft. WOOD DECK (392sf/2) |
| 58 | Sq.ft. CONC LANDING |
| 579 | Sq.ft. 2 STORY HOUSE |
| 9 | Sq.ft. A/C 2 |
| 4 | Sq.ft. A/C 1 |
| 6.5 | Sq.ft. WOOD DECK (13sf/2) |
| 1278 | Sq.ft. 1 STORY STONE/SIDING HOSE |
| 103 | Sq.ft. CONC PORCH |
| 212 | Sq.ft. CONC WALK |
| 80 | Sq.ft. STONE PADS (8sf x10) |
| 53 | Sq.ft. CONCRETE |
| 2578.5 | Sq.ft. IMPROVEMENTS |
| 5398 | Sq.ft. LOT |
| 47.8% | IMPERVIOUS COVER |

LEGAL DESCRIPTION:
 LOT 3, BLOCK 7, RILEY'S SUBDIVISION OF BLOCK NO. 7 OF OUTLOT 53, DIVISION 0, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 3, PAGE 140, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; TOGETHER WITH 8 FEET OF THE VACATED 16 FOOT ALLEY, AS RECORDED IN DOCUMENT NO. 2010034086, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

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State of Texas:
 County of Travis:

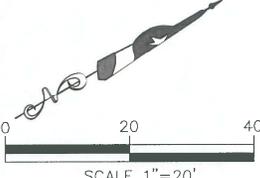
The undersigned does hereby certify that this survey was this day made on the property legally described hereon and is correct, and this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1B Condition II Survey.

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Zone: X Dated: 01/22/2020

Dated this the 10TH day of NOVEMBER 2020.

Impervious cover added this the 30th day of JUNE, 2021



[Signature]
 Thomas P. Dixon R.P.L.S. 4324



GENERAL:

- Dimensions refer to rough surfaces. The contractor must verify all dimensions prior to start of construction. The engineer shall be notified of any discrepancies or inconsistencies.
- All drawings are considered part of the contract documents. The contractor shall be responsible for review and coordination of all drawings and specifications prior to the start of construction. Any discrepancies that occur shall be brought to the attention of the engineer prior to the start of construction so that clarification can be issued. Any work in conflict with the contract documents or any code requirements shall be corrected by the contractor at his own expense and at no expense to the owner or structural engineer.
- All work shall conform to the minimum standards of the building code as well as any other regulating authority over any portion of the work including those additional codes and standards listed in the structural notes and specifications.
- The engineer shall not control and shall not be responsible for construction means, methods, techniques, sequences or procedures; for safety precautions and programs in connection with the work; for acts or omissions of the contractor, subcontractor or for any persons performing the work; or for the failure of any of them to carry out the work in accordance with contract documents.
- Site observations by field representatives of the engineer are solely for the purpose of determining if the work of the contractor is proceeding in accordance with the structural contract drawings. This limited site observation should not be construed as exhaustive or continuous to check the quality or quantity of the work, but rather an effort to guard the owner against defects or deficiencies in the work of the contractor.
- All structures require periodic maintenance to extend life span and to insure structural integrity from exposure to the environment. A planned program of maintenance shall be established by the building owner. This program shall include items such as painting of structural steel, protective coating for concrete, sealants, caulked joints, expansion joints, control joints, spall and cracks in concrete.

DESIGN DATA

GENERAL BUILDING CODE

The contract documents are based on the requirements of THE 2015 INTERNATIONAL RESIDENTIAL CODE

| | |
|----------------------------|--------|
| Ground snow load: | Spsf |
| Wind speed (3 second gust) | 115mph |
| Risk Category: | II |
| Exposure category: | C |
| Seismic Design Category: | A |

| | |
|----------------------------|---------|
| Live Loads: | |
| exterior balconies: | 60psf |
| decks: | 40 |
| passenger vehicle garages: | 50 |
| attics without storage: | 10 |
| attics with storage: | 20 |
| rooms other: | 40 |
| sleeping rooms: | 30 |
| guardrails and handrails | 200 lbs |

| | | |
|------------------------|--------|-------------------|
| Roof Live Load: | | tributary area |
| roof slope | 0-200 | 201-600 601+ |
| 4:12 | 20 psf | 16 12 |
| 4:12 to <12:12 | 16 | 14 12 |
| 12:12 and up | 12 | 12 12 |

| | |
|--------------------|--|
| Dead Loads: | |
| roofing: | metal (2psf) |
| flooring: | ceramic tile 3/4" thick (10psf) hardwood 7/8" thick (4psf) carpet and pad (2psf) |

Materials indicated above were assumed in design. Prior to construction, builder must compare to actual materials and weights and contact engineer if differences are found. Actual dead loads must not exceed the loads indicated.

DEFLECTIONS:

The building movement specified below is anticipated and should be considered by the contractor in the performance of the work.

| | |
|------------------|-------|
| rafters: | L/180 |
| floors/ceilings: | L/360 |
| decks: | L/240 |

STRUCTURAL OBSERVATION:

- The structural engineer of record, or his designate, shall provide structural observation of the structural system for general conformance to the approved plans and specifications at significant construction stages and at completion of the structural system as noted elsewhere in the contract documents.
- The contractor shall notify the engineer a minimum of 72 hours prior to the date the observation is required in order to ensure availability of an inspector.
- The following items require structural observation:
 - Foundation reinforcing and pre-pour setup
 - Framing prior to installation of gypsum board or wall covering.

WOOD FRAMING:

GENERAL:

- Lumber: All materials and workmanship shall conform with the requirements of the latest "National Design Specifications for Stress-Grade Lumber and Its Fastenings" by National Forest Products Association.
- All lumber shall be Southern Pine (S4S) conforming to the standard grading and dressing rules of the Southern Pine Inspection Bureau.
- Unless indicated otherwise, the minimum grade of structural members shall be as follows:

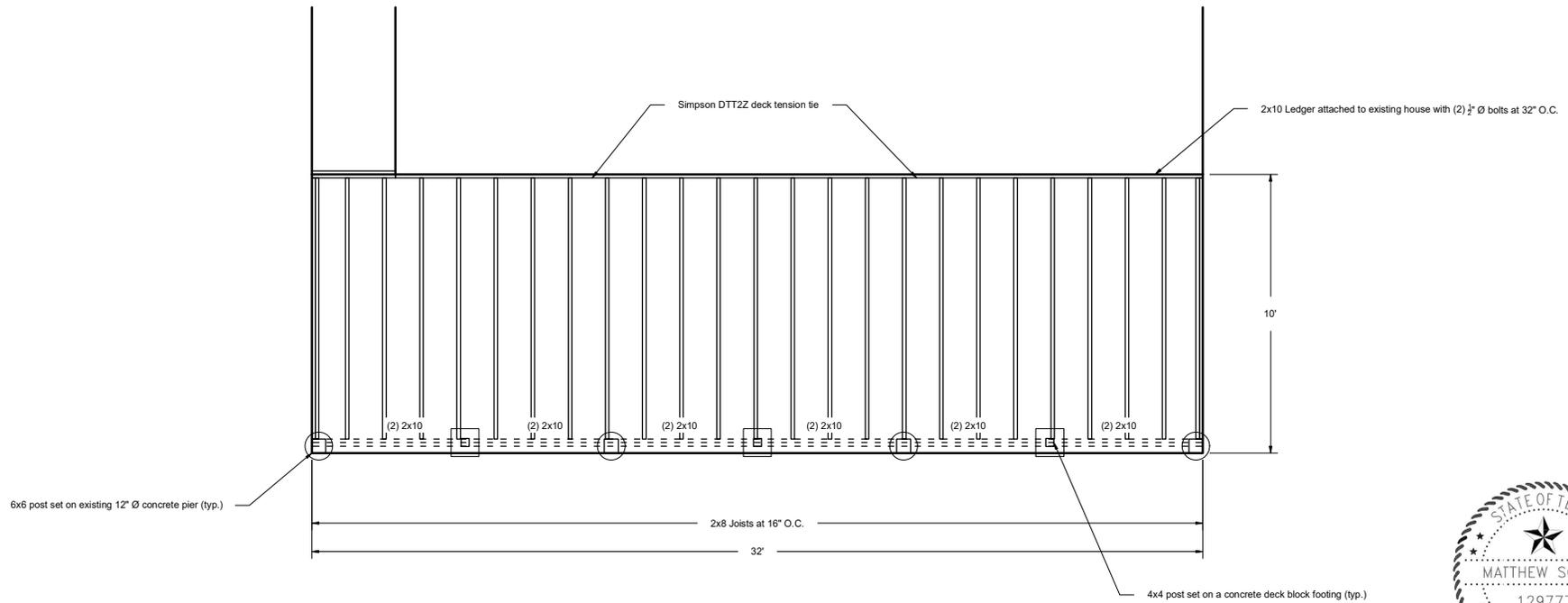
| | |
|--------------|-------|
| studs | no. 3 |
| other lumber | no. 2 |
- Microlam (LVL) laminated veneer lumber: LVL shall be manufactured by and designed in accordance with ICBO ES ER-4979.
- Plywood or OSB: Sheathing/single floor shall be exterior grade bear the following APA span rating:

| | |
|-------------------------|-------|
| 15/32" roof sheathing: | 32/16 |
| 11/8" single floor t&g: | 48 oc |
| 15/32" wall sheathing: | 32/16 |
- All floor sheathing shall be glued to the joists. The field-glued system shall comply with the recommendations of the American Plywood Association.
- At roofs, unsupported plywood panel end and side edges shall be backed with 2x4 flat blocking or Simpson panel sheathing clips.
- Where connectors and fasteners contact treated lumber, use stainless steel or hot-dipped galvanized connectors and fasteners.
- Columns and beams which are exposed to the elements or part of a pier-and-beam foundation or floor system shall be pressure treated.



Matthew Solum

Scale: Not to Scale
Issued: 10/19/2020
Drafter: JG



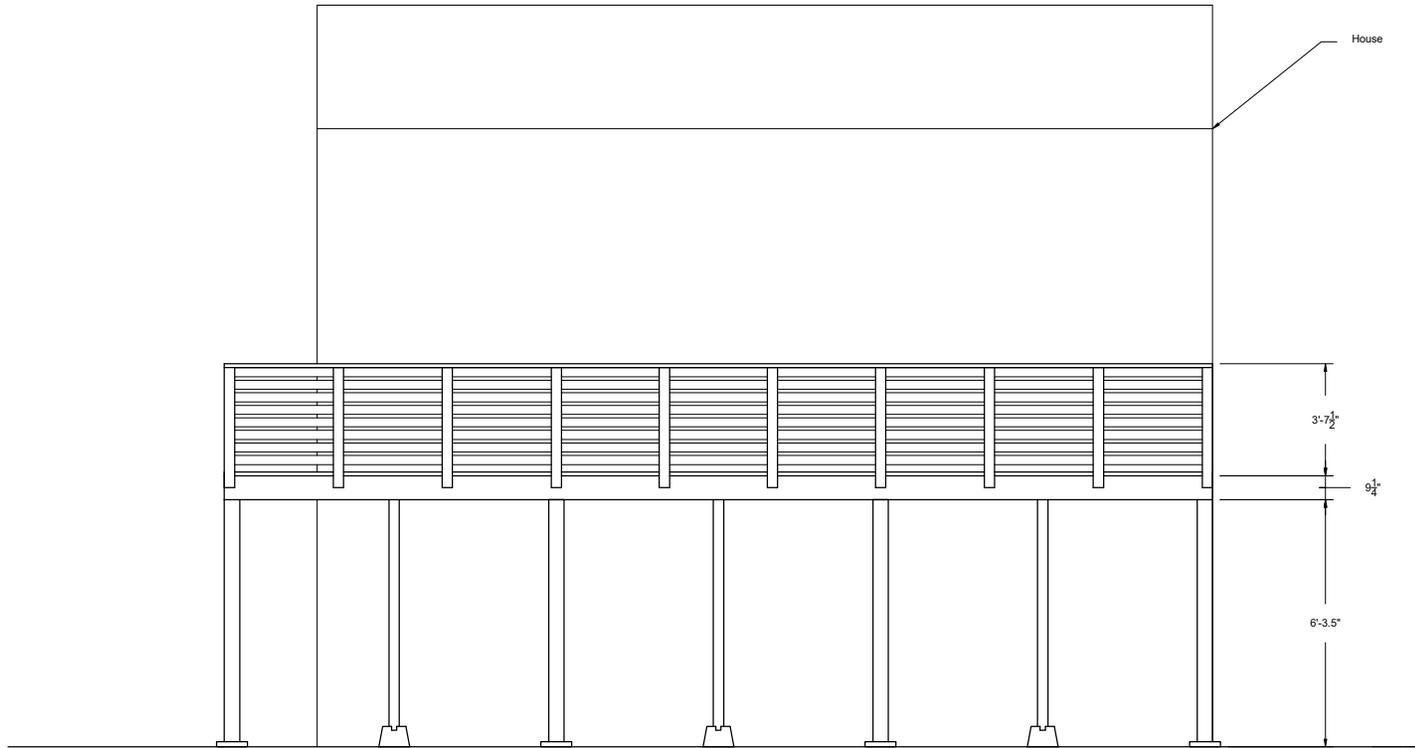
Deck Framing Plan
74 San Saba Street, Austin, Texas



Matthew Solum

Scale: Not to Scale
Issued: 10/19/2020
Drafter: JG

S1.1

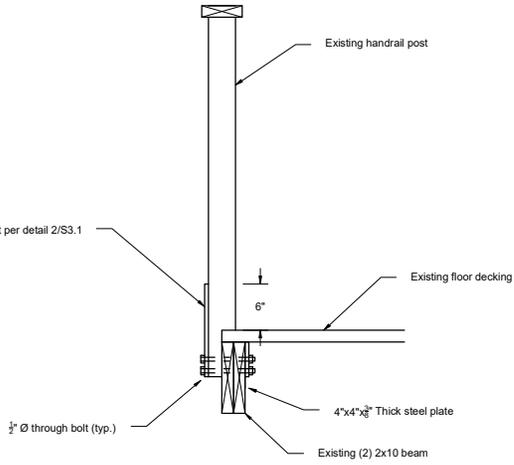


Deck Elevation
74 San Saba Street, Austin, Texas



Matthew Solum

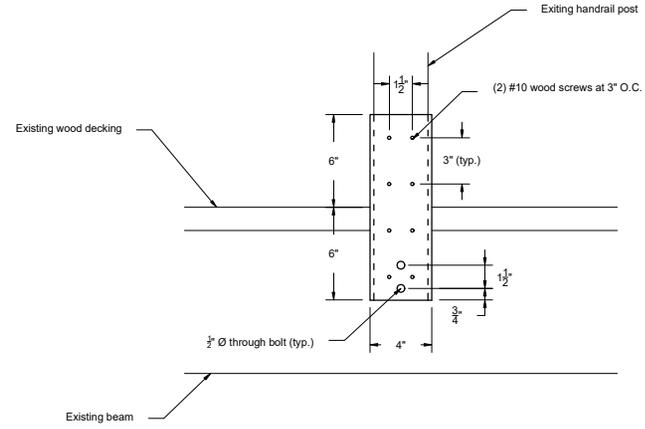
Scale: Not to Scale
Issued: 10/19/2020
Drafter: JG



1 Handrail Repair Elevation

Scale: not to scale

Notes:



2 Steel Plate Detail

Scale: not to scale

Notes:

Handrail Repair Details
74 San Saba Street, Austin, Texas



Matthew Solum

Scale: Not to Scale
Issued: 10/19/2020
Drafter: JG

S1.1



From
Tucker Engineering, Inc.
1311 Chisholm Trail, Ste 303
Round Rock, Texas 78681
Registration F-8611

To
Hunter Leadford

Regarding
74 San Saba Street,
Austin, Texas 78702
Reference Number 38312
Issued October 2, 2020

Framing Certification

Inspection

October 1, 2020 – The framing and steel plates were in place for the deck being constructed at behind the rear unit at the above referenced location.

Certification

This is to certify that framing for the deck at 74 San Saba Street, Austin, Texas was done according to the plans and details issued by this office in a good and workmanlike manner.

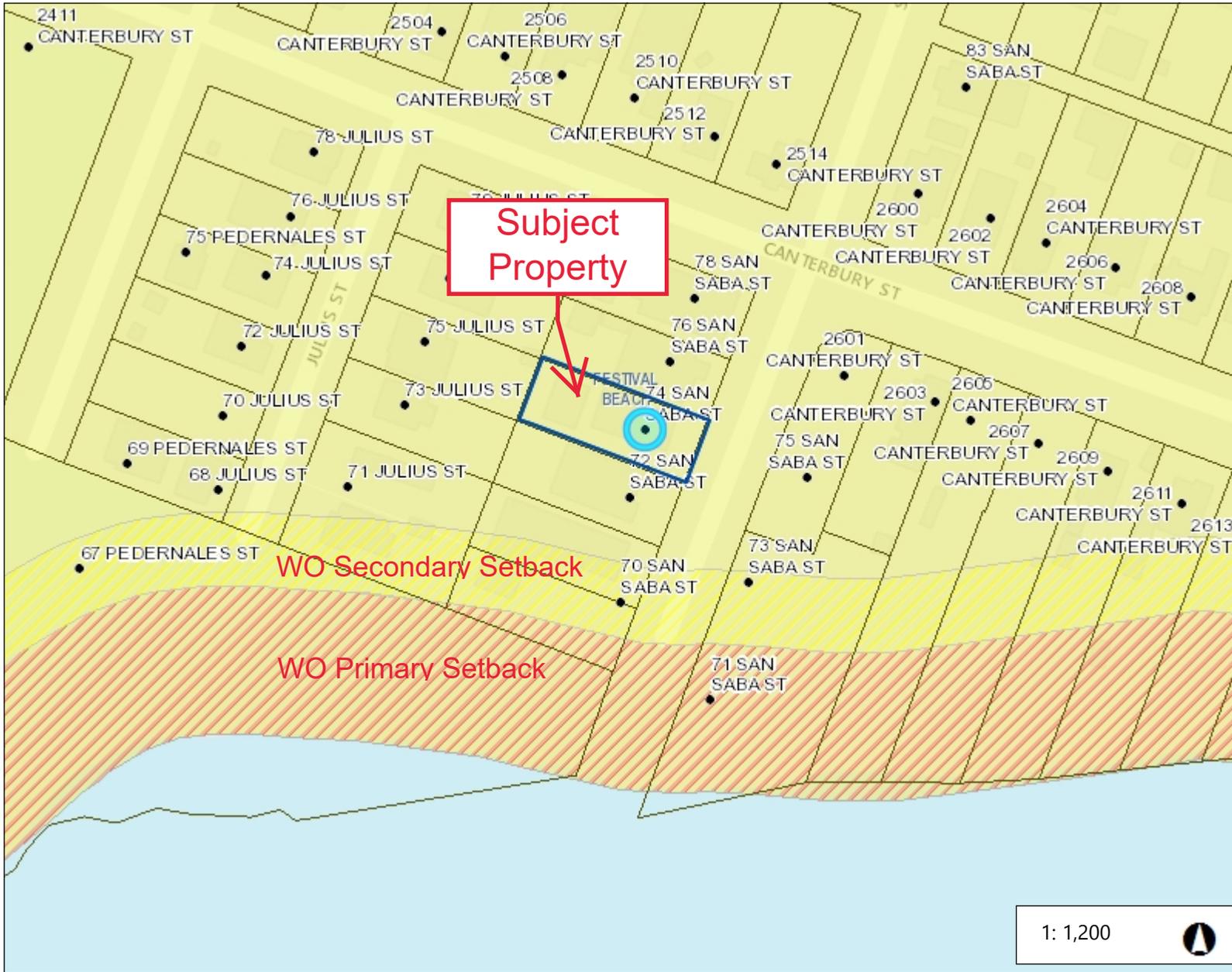




Property Profile Detail of the Festival Beach Subdistrict of the Waterfront Overlay

Legend

- Addresses
- Lot Line
- Waterfront Setbacks Overlay
 - Primary
 - Secondary
- Waterfront Overlay
 - AUDITORIUM SHORES
 - BALCONES ROCK CLIFF
 - BUTLER SHORES
 - CITY HALL
 - EAST RIVERSIDE
 - FESTIVAL BEACH
 - LAMAR
 - MONTOPOLIS RIVER TERRACE
 - NORTH SHORE CENTRAL
 - RAINEY STREET
 - RED BLUFF
 - SOUTH LAKESHORE
 - SOUTH SHORE CENTRAL
 - TRAVIS HEIGHTS
 - UNIVERSITY/DEEP EDDY
 - ZILKER PARK



Notes

0.0 0 0.02 0.0 Miles

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed:

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§ 25-2-735 FESTIVAL BEACH SUBDISTRICT REGULATIONS.

- (A) This section applies in the Festival Beach subdistrict of the WO combining district.
- (B) The primary setback line is located 100 feet landward from the Town Lake shoreline.
- (C) The secondary setback line is located 50 feet landward from the primary setback line.
- (D) For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is:
- (1) 40 percent; or
 - (2) 70 percent, for a site that:
 - (a) contains congregate care and retail uses on 15 or more acres;
 - (b) is adjacent to 1.5 or more acres of parkland or publically accessible open space;
 - (c) includes, within the congregate care use, at least:
 - (i) 310 rental housing units that serve residents earning at or below 60% of area median family income;
 - (ii) 40 rental housing units that serve residents earning at or below 30% of area median family income; and
 - (iii) 100 rental housing units that serve residents which are either:
 - earning at or below 30% of the area median family income and receiving a rent subsidy; or
 - earning at or below 50% of area median family income, without a rent subsidy, or with a rent subsidy that is required to be available under federal law to residents earning up to 50% of area median family income.
 - (d) contains the following enhanced water quality features:
 - (i) water quality treatment utilizing green water quality controls sized at ½-inch or greater, based on assumed impervious cover of 68%;
 - (ii) at least 30,000 square feet of porous pavement for pedestrian areas;
 - (iii) at least 8,126 cubic feet of rainwater harvesting sufficient to capture 1.3 inches of runoff from 75,000 square feet of impervious cover; and
 - (iv) onsite water quality ponds sufficient to treat a minimum of 6,200 cubic feet of off-site drainage.